



COMMONWEALTH OF MASSACHUSETTS

MASSTRAILS GRANTS PROGRAM

Buy America Guide

In accordance with the provisions of Section 635.410(b) of Title 23 CFR, hereinafter referred to as "Buy America", except as otherwise specified, all iron and steel products (including miscellaneous steel items such as fasteners, nuts, bolts and washers) to be permanently incorporated for use on federal aid projects (including RTP) shall be produced in the United States of America regardless of the percentage they exist in the manufactured product or final form they take. Therefore, "Domestically produced in the United States of America" means all manufacturing processes must occur in the United States of America, to mean, in one of the 50 States, the District of Columbia, Puerto Rico or in the territories and possessions of the United States.

Manufacturing processes are defined as any process which alters or modifies the chemical content, physical size or shape or final finish of iron or steel material such as rolling, extruding, bending, machining, fabrication, grinding, drilling, finishing, or coating whereby a raw material or a reduced iron ore material is changed, altered or transformed into a steel or iron item or product which, because of the process, is different from the original material. For the purposes of satisfying this requirement "coating" is defined as the application of epoxy, galvanizing, painting or any other such process that protects or enhances the value of the material. Materials used in the coating process need not be domestic materials.

For the purposes herein the manufacturing process is considered complete when the resultant product is ready for use as an item in the project or is incorporated as a component of a more complex product by means of further manufacturing. Final assembly of a product may occur outside of the United States of America provided no further manufacturing process takes place.

Raw materials such as iron ore, pig iron, processed, pelletized and reduced iron ore, waste products (including scrap, that is, steel or iron no longer useful in its present form from old automobiles, machinery, pipe, railroad rail, or the like and steel trimmings from mills or product manufacturing) and other raw materials used in the production of steel and/or iron products may, however, be imported. Extracting, handling, or crushing the raw materials for purposes which are inherent to transporting the materials for later use in the manufacturing process are exempt from Buy America.

Buy America provisions do not apply to iron or steel products used temporarily in the construction of a project such as temporary sheet piling, temporary bridges, steel scaffolding, falsework or such temporary material or product or material that remains in place for the Contractor's convenience.

Section 635.410(b) of Title 23 CFR permits a minimal amount of steel or iron material to be incorporated in the permanent work on a federal-aid contract. The cost of such materials or products must not exceed

one-tenth of one percent of the contract amount or \$2,500, whichever is greater. The cost of the foreign iron or steel material is defined as its monetary value delivered to the job site and supported by invoices or bill of sale to the Contractor. This delivered to site cost must include transportation, assembly, installation and testing.

In the event the total cost of all "foreign" iron and steel product or material does not exceed one-tenth of one percent of the total contract cost or \$2,500, whichever is greater, the use of such material meeting the limitations herein will not be restricted by the domestic requirements herein.

These provisions apply to all materials and equipment permanently incorporated into the project, regardless of whether the items are acquired and paid for with matching funds or donated to the Project Sponsor as part of the project match. Examples of materials that must comply with Buy America include steel bridge girders, steel railings, steel structures, steel trailers, steel structural elements of trailhead facilities, and steel tools and equipment. Steel tools or incidental materials that do not comply with Buy America must be tracked and the total may not exceed \$2,500.

To document Buy America compliance, project sponsors must obtain certification from the manufacturer documenting that all manufacturing processes occurred domestically. This can be in the form of a letter directly from the manufacturer. Certification must be provided with the MassTrails Grant Application and retained in the project files.

Resource: [Companion Resource for Buy America Field Compliance \(dot.gov\)](https://www.buyamerica.gov/compliance)

The following instructions must be followed in order to receive a MassTrails grant. Buy America certification must be submitted with the MassTrails grant application by the grant round deadline, or the project will not qualify for funding.

1. Verify if a product that is a part of a MassTrails project consists of steel or iron.
2. Is the value of the iron or steel less than \$2,500? If so, Buy America does not apply to the purchase.
3. If the product consists of iron or steel and is valued at \$2,500 or more, provide a Certification from the vendor to verify that the purchase is in compliance with Buy America.

Certification of Compliance:

Where domestic material is supplied, prior to incorporation into the project, the contractor/vendor shall furnish to the Grantee a certificate of compliance (such as may be furnished by steel mill test reports) that all steel and/or iron products supplied to the project except as may be permitted (one-tenth of one percent of the total contract cost or \$2,500, whichever is greater) and permanently incorporated into the work satisfies the domestic requirements herein. This certification shall contain a definitive statement about the origin of all products covered under the provisions of Buy America as stated herein. The Grantee must submit this certification with the MassTrails Grant Application to be considered for funding.

In lieu of the contractor/vendor providing personal certification, the contractor may furnish a stepped certification in which each handler of the product, such as supplier, fabricator, manufacturer, processor, etc. furnishes an individual certification that their step in the process was domestically performed.